

## **ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE**

### **HEAD 114 – OFFICE OF THE OMBUDSMAN Subhead 000 Operational expenses**

Members are invited to recommend to Finance Committee –

- (a) the deletion of the following permanent posts in the Office of The Ombudsman with immediate effect –

- 1 Deputy Ombudsman  
(D3) (\$127,900 - \$135,550)

- 2 Assistant Ombudsman  
(D2) (\$113,520 - \$120,553)

- (b) the deletion of the following ranks with immediate effect –

- Deputy Ombudsman (D3)

- Assistant Ombudsman (D2)

### **PROBLEM**

The Office of The Ombudsman (the Office) delinked from the Government in December 2001. Since then, the Office has been actively replacing civil service secondees by its contract staff. By June 2003, the Office has successfully recruited its Deputy Ombudsman and two Assistant Ombudsmen on contract terms. As a result, the civil service posts of one Deputy Ombudsman and two Assistant Ombudsmen and these ranks are no longer required.

**/PROPOSAL .....**

## PROPOSAL

2. The Ombudsman proposes to delete one Deputy Ombudsman (D3) and two Assistant Ombudsman (D2) civil service posts from the establishment of the Office and these two ranks from the civil service.

## JUSTIFICATION

3. Since its inception in 1989, the Office has been adopting civil service procedures and practices. Civil servants were recruited or seconded to fill most of the posts in the Office. On 19 December 2001, the Office severed its linkage with the Administration upon the commencement of The Ombudsman (Amendment) Ordinance 2001. The Ordinance contains provisions to ensure the independent status of the Office in staff and financial matters and further enhance its operational efficiency. Since then, through active recruitment, the Office has successfully replaced almost all civil servants by contract staff appointed by The Ombudsman. As at 1 December 2003, there were only six civil service secondees out of a strength of 90 in the Office.

### Deputy Ombudsman

4. The rank and post of Deputy Ombudsman (previously titled the Deputy Commissioner for Administrative Complaints) were created upon the establishment of the Office vide EC 1988-89 Item 43. Previous post-holders for the appointment were seconded from the civil service generally or appointed on civil service agreement terms. In anticipation of the delinking exercise, the Office conducted a recruitment exercise in late 2000 to identify a suitable candidate who would henceforth be appointed on contract terms. In May 2001, a contract officer was appointed. The civil service post and rank of Deputy Ombudsman are, therefore, no longer required and can be deleted. The job description of Deputy Ombudsman is at Enclosure 1.

Encl. 1

### Assistant Ombudsman

5. The Assistant Ombudsman rank and one post (previously titled Assistant Commissioner for Administrative Complaints) were created in 1995 vide EC(95-96)13. The second Assistant Ombudsman post was created in 1997 vide EC(96-97)53. Since creation, the two posts had been filled by civil service secondees or officers employed on civil service agreement terms. Following a recruitment exercise, the Office appointed two contract officers as Assistant Ombudsmen in April and June 2003 respectively. Consequently, the two civil service Assistant Ombudsman posts and the rank can be deleted. The job description of Assistant Ombudsman is at Enclosure 2.

Encl. 2

/Change .....

### Change in Organisational Structure

6. These three civil service directorate posts have been replaced by contract posts but the Office's organisational structure will remain the same. The organisation chart of the Office is at Enclosure 3.

### Other Civil Service Directorate Post

7. Apart from the Deputy Ombudsman and the two Assistant Ombudsman posts, the only remaining civil service directorate post is a Principal Executive Officer (D1) post. It is now occupied by a substantive Principal Executive Officer seconded from the civil service and will be deleted subject to the Finance Committee/Establishment Subcommittee's approval and upon the incumbent's retirement in 2004-05.

### FINANCIAL IMPLICATIONS

8. There are no implications for General Revenue as full staff costs, including on-costs, of the civil service posts in the Office have been recoverable from the Office, and the replacement of civil service posts by contract posts will not have financial implications on the Government.

### ESTABLISHMENT CHANGES

9. The establishment changes in respect of civil service posts in the Office for the last two years are as follows –

Establishment (Note)	Number of posts			
	Existing (as at 1 December 2003)	As at 1 April 2003	As at 1 April 2002	As at 1 April 2001
A	4*	4	4+(1)	4+(1)
B	3	11	19	28
C	2	3	21	46
Total	9	18	44+(1)	78+(1)

Note:

A - ranks in the directorate pay scale or equivalent

B - non-directorate ranks the maximum pay point of which is above MPS Point 33 or equivalent

C - non-directorate ranks the maximum pay point of which is at or below MPS Point 33 or equivalent

( ) - number of supernumerary directorate post

\* - including the three civil service directorate posts proposed for deletion

/CONSULTATION .....

**CONSULTATION WITH LEGISLATIVE COUNCIL PANELS**

10. We have informed the Legislative Council Panel on Administration of Justice and Legal Services of the proposal vide an information paper issued on 16 December 2003.

**CIVIL SERVICE BUREAU COMMENTS**

11. Having regard to the justification set out in paragraphs 3 to 5, the Civil Service Bureau supports the proposed deletion of one Deputy Ombudsman and two Assistant Ombudsman civil service posts from the establishment of the Office and the proposed deletion of these two ranks from the civil service.

**ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE**

12. The deletion of the posts and ranks, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service.

-----

Office of The Ombudsman  
December 2003

**Job Description**

**Deputy Ombudsman**

**Rank** : Deputy Ombudsman (D3)

**Responsible to** : The Ombudsman

Main Duties and Responsibilities –

1. to assist The Ombudsman in the general administration of the Office;
2. to assist in the formulation of operational policies and investigation procedures;
3. to coordinate the planning/development of publicity strategy and the Office's public education/outreaching/community involvement programmes;
4. to oversee the conduct of direct investigations and co-ordinate the investigation of complex complaints;
5. to supervise and monitor the progress of investigation cases; and
6. to keep under review The Ombudsman Ordinance (Cap. 397) and make recommendations for amendments.

**Job Description**

**Assistant Ombudsman**

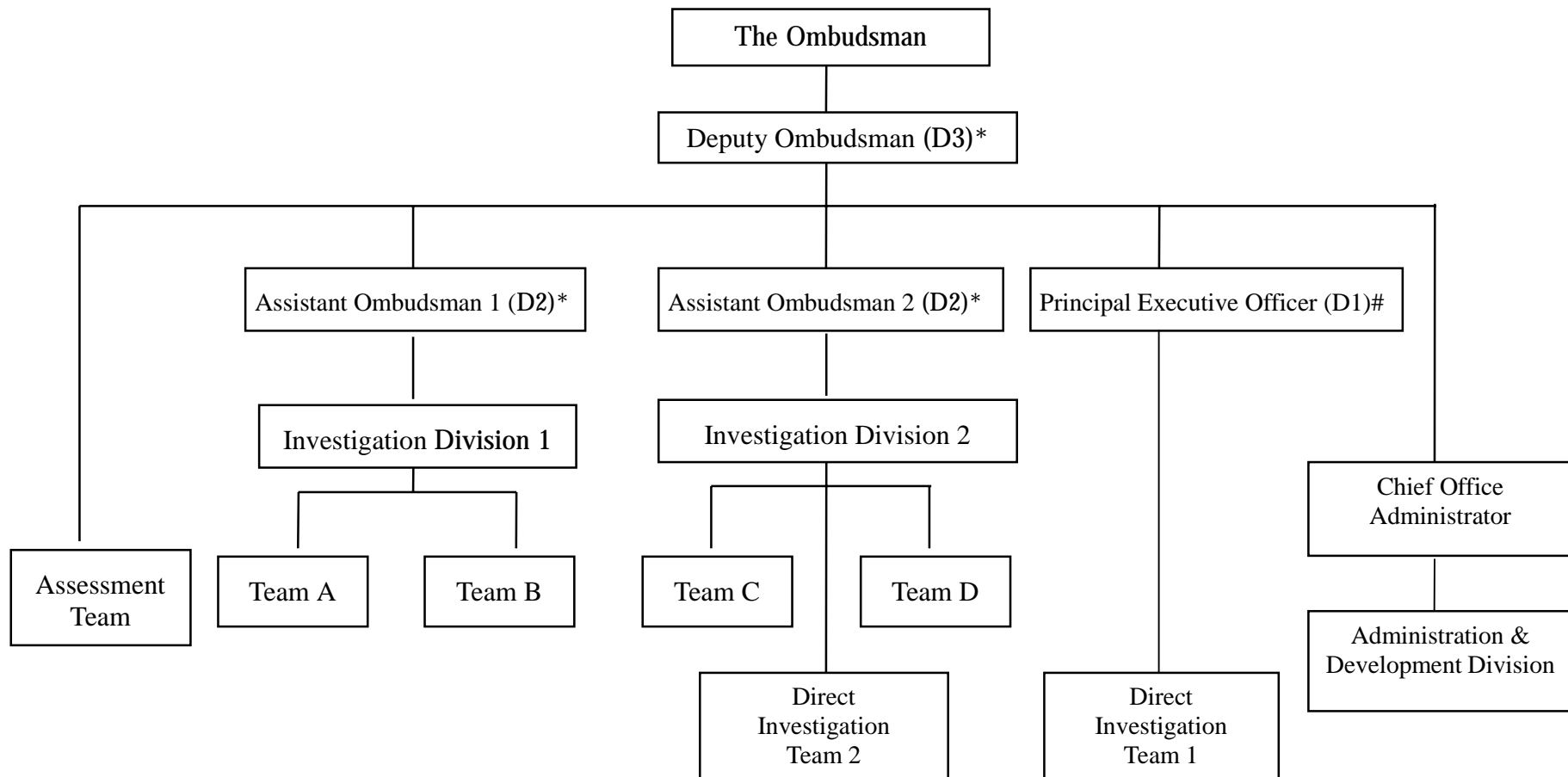
**Rank** : Assistant Ombudsman (D2)

**Responsible to** : Deputy Ombudsman

**Main Duties and Responsibilities –**

1. to head an Investigation Division including supervision, monitoring and quality control of all investigations;
2. to supervise, organise and co-ordinate the work of investigation teams, including allocation of cases to them to ensure an even distribution of work;
3. to co-ordinate the targetting of candidates for direct investigation, and take personal charge of any such investigations;
4. to determine/direct the method and line of investigation as the case is in progress;
5. to keep under close monitoring investigations of a serious and/or sensitive nature;
6. to assist in formulating operational policies and procedures of investigations, and review and streamline such procedures as necessary; and
7. to scrutinise investigation reports and hold preliminary discussion on the recommendations with the directorate of the complainee department/organisation where necessary.

**Organisation Chart of the Office of The Ombudsman**



\* Civil service directorate posts proposed to be deleted.

# The remaining civil service directorate post will be deleted subject to Finance Committee/Establishment Subcommittee's approval and upon the incumbent's retirement in 2004-05.